

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAYMOND EUGENE RUSSETTE,

Defendant.

CR-14-93-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 5, 2022. (Doc. 50.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 4, 2022. (Doc. 49.) The United States accused Raymond Russette (Russette) of violating his conditions of supervised release 1) by possessing methamphetamine; and 2) by committing another crime. (Doc. 340.)

At the revocation hearing, Russette denied the alleged violations. (Doc. 49.) Judge Johnston found that the government satisfied its burden of proof with respect to alleged violation 1. (*Id.*) Judge Johnston found that the government failed to satisfy its burden of proof with respect to alleged violation 2. (*Id.*) Judge Johnston found that the violation the government proved is serious and warrants revocation of Russette's supervised release and recommended that Russette receive a custodial sentence of 11 months, with 37 months of supervised release to follow. (Doc. 50.) Russette was advised of his right to appeal and his right to allocute before the undersigned. (Doc.49.) The violations prove serious and warrant revocation of Russette's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 50) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Raymond Eugene Russette be sentenced to the Bureau of Prisons for 11 months, with 37 months of supervised release to follow.

DATED this 23rd day of August, 2022.

A handwritten signature in blue ink, appearing to read "Brian Morris".

Brian Morris, Chief District Judge
United States District Court